

Appl. No. . 09/917,330  
Filed : July 27, 2001

### REMARKS

Claims 1-2 have been amended. Claims 1-3 are now pending in this application. Amendments have been made to clarify the claimed subject matter. Accordingly, the amendments do not constitute the addition of new matter. Applicant respectfully requests the entry of the amendments and reconsideration of the application in view of the amendments and the following remarks.

#### **Rejection under 35 U.S.C. § 112, second paragraph**

Claims 1-3 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner states that while the claims are directed to a method of making DNA, the final step does not recite that DNA is produced. Claims 1 and 2 have been amended to clarify that DNA having the target sequence is produced.

The Examiner states that it is not clear whether the designed partial sequences are used in the design of the oligomers or if the designed sequences are the actual oligomers and requests clarification of the designing steps and the steps of preparing oligomers in step 1. In response, claim 1 has been reformatted to recite 6 steps (1-6) as well as two substeps (6A-6B). Former step (1) is now represented by steps (1)-(3) where step 2 is a "designing" step and step (3) is a "preparing oligomers" step. Thus, the oligomers prepared in step 3 contain the partial sequences designed in step 2.

It is respectfully submitted that this amendment clarifies the claimed subject matter and that the claims as amended meet the requirements of 35 U.S.C. § 112, second paragraph.

#### **CONCLUSION**

In view of Applicants' amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: May 20, 2003

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